

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT, IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CASE NO: 19-06869 CA (15)

CIVIL DIVISION

DR. JAMES ERIC MCDONOUGH,
Plaintiff,

vs.

CITY OF HOMESTEAD,
a Florida municipal corporation,
Defendant,

**PLAINTIFF'S NOTICE OF SERVING FIRST SET OF INTERROGATORIES TO
DEFENDANT CITY OF HOMESTEAD**

Pro se Plaintiff, Dr. James Eric McDonough, propounds the following interrogatories upon Defendant City of Homestead, to be answered, in writing and under oath, in accordance with Rule 1.340, Florida Rules of Civil Procedure, within thirty days of the date hereof.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this motion has been served by email on counsel for Defendants, Matthew Mandel at MMandel@WSH-law.com and Matthew Pearl at mpearl@wsh-law.com as well as City Clerk Elizabeth Sewell at ESewell@cityofhomestead.com on this 14th day of March 2019.

Respectfully submitted,


Dr. James Eric McDonough, *pro se*

INSTRUCTIONS FOR INTERROGATORIES

You must answer each Interrogatory separately and fully in writing under oath, unless it is objected to, in which event the reasons for the objection shall be stated in lieu of an answer.

The answers must be signed by the party making them, and the objections signed by the attorney making them.

Space has been provided below each Interrogatory for your answer. If you require additional space, you may attach an additional sheet or sheets of paper, which refer to the appropriate Interrogatory.

In answering each Interrogatory:

a. Identify each document, pursuant to the definition of “identify” contained in these Interrogatories, relied upon or which forms a basis for the answer given or which corroborates the answer given or the substance of what is given in answer to each Interrogatory;

b. State whether the information furnished is within your personal knowledge and, if not, the name of each person to whom the information is a matter of personal knowledge; and

c. Identify each person who assisted or participated in preparing and/or supplying any of the information given in answer to or relied upon in preparing the answer to each Interrogatory.

Each subpart of an Interrogatory is a separate Interrogatory for objection. If you object, you must object separately to each subpart and must answer all remaining subparts of each numbered Interrogatory. If you object to an Interrogatory or to a subpart thereof, as calling for information beyond the scope of discovery, you must nevertheless answer the Interrogatory or subpart to the extent that it is not objectionable.

In the event an Interrogatory is objected to on the ground of privilege, identify the privilege asserted and the facts on which the assertion is based. If the Interrogatory objected to relates to

documents, identify each document pursuant to the definition of “identify” contained in these Interrogatories.

In the event the answer to an Interrogatory is “do not know,” “unknown,” “that information was unavailable,” or the like, explain in detail the efforts made to obtain information to answer the Interrogatory.

If you respond to a request for discovery with a response that is complete when made, these Interrogatories are continuing and as such you are nevertheless under a duty to supplement the response to include information thereafter acquired:

a. with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, or to the identity of each person expected to be called as a witness at trial, the subject matter on which the person is expected to testify, and the substance of the person's testimony; and

b. if you obtain information which shows your earlier response was incorrect when made, or your earlier response, although correct when made, is no longer true. Failure to amend your response in light of such information is, in substance, a knowing concealment.

Where an interrogatory does not specifically request a particular fact, but where such fact or facts are necessary to make the answer to that Interrogatory complete, understandable, or not misleading, you should include such fact or facts as part of your answer.

DEFINITIONS

1. “All documents” means every document or group of documents that are known to you or that can be located or discovered by a reasonably diligent search.

2. “McDonough” or “Plaintiff,” refers to Plaintiff, Dr. James Eric McDonough, and also includes any agent, employee, attorney, legal assistant, paralegal, or other person acting or

purporting to act, or who acted or purported to act, on behalf of Dr. James Eric McDonough at any time until the present, or during any other indicated period of time.

3. "CITY" refers to Defendant, the City of Homestead, and any agent, employee or other person acting or purporting to act, or who acted or purported to act, on behalf of the City of Homestead at any time until the present, or during any other indicated period of time.

4. "Communications" includes both written and verbal exchanges including, but not limited to, verbal conversations, telephone calls, letters, notes, memoranda, electronic mail (e-mails), reports, telegrams, confirmations, exhibits, drawings, sketches, minutes, transcripts, summaries and any other "document" as later defined that constitutes, confirms, embodies or otherwise relates to the communications.

5. "Complaint" refers to the FIRST AMENDED VERIFIED PETITION FOR WRIT OF MANDAMUS FOR PRODUCTION OF PUBLIC RECORDS UNDER THE FLORIDA PUBLIC RECORDS ACT filed by Plaintiff in the case known as McDonough v. City of Homestead filed in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Case No. 19-06869 CA (15).

6. "Concerning" includes referring to, responding to, relating to, connected with, supporting, memorializing, regarding, discussing, analyzing, evidencing, showing, depicting, describing, reflecting, implying or constituting.

7. "Demonstrating" includes but is not limited to: referring to, responding to, relating to, connected with, supporting, memorializing, discussing, analyzing, evidencing, showing, depicting describing, reflecting, implying or constituting.

8. "Document" shall be given its broadest possible meaning, and shall denote the original or, if unavailable, a copy of the original, in draft or final form, including "redlined" revisions of any written, typed, printed, recorded, computerized, sorted, or graphic matter, however produced,

animated, stored or reproduced, and of every kind and description. The term “document(s)” shall include but not necessarily be limited to contracts, agreements, drawings, specifications, sketches, letters, correspondence, messages, notes, memoranda, agreements, modifications, change orders, unilateral changes, electronic mail (e-mails) or other communications, records of telephone conversations, books, records, confirmations, drafts, notes, work papers, bills, ledgers, status reports, diaries, daily reports, minutes of meetings, journals, entries in journals, personal work papers, personal work files, diaries, logs, punchlists, transmittals, submittals, financial statements, audit reports, financial data, status reports, calendars, schedules, studies, summaries, reports, charts, books, drawings, diagrams, exhibits, video tapes, photographs, movies, tapes, recordings, transcripts, purchase orders, subcontracts, amendments, proposals, estimates, data sheets, computer printouts, computer diskettes or drives, compact disks (CDs), optical disks, whether sent or received, databases, computer programs, all other records kept by electronic, photographic or mechanical means and all copies or reproductions thereof which are different in any way from the original. The term “document” shall mean all of the above that are in your custody, possession, or control.

9. “Individual” or “Person” means any natural person, any legal or business entity, and/or any public or quasi-public entity.

10. “Identify” or “identity” when used in reference to a natural person means that you shall state:

- a. His/her full name;
- b. His/her present business and home address and telephone number; and,
- c. His/her present employer and his/her present position with such employer.

11. “Identify” or “identity” when used in reference to a document means that you shall state:

- a. The date of its preparation;
- b. Its author and sender;
- c. The addressee or other intended recipient thereof;
- d. Persons who received copies thereof;
- e. The type of document, e.g., letter, memorandum, inventory list, work notes, etc.;
- f. Its title, heading, or other designation, numerical or otherwise;
- g. A summary of its contents or other means of identifying it; and
- h. Its location and custodian.

12. "Person" shall mean any individual, corporation, proprietorship, partnership, trust, association or any other entity.

13. As used herein, the singular shall include the plural, the plural shall include the singular, and the masculine, feminine and neuter shall include each of the other genders. The term "including" means "including without limitation."

14. Any term defined in the Complaint shall have the same meaning herein, unless otherwise defined.

INTERROGATORIES

1. For each request for admissions (served simultaneously with these interrogatories) that you deny or provide a qualified admission, please state all facts supporting such denial or qualified admission. As part of your response, please identify all witnesses with knowledge and/or documents supporting your response.

ANSWER:

2. What policy, manual, practice, or procedure is in place to keep track of the time in minutes which is spent on replying to public records request? As part of your response, please identify all witnesses with knowledge and/or documentation supporting your response.

ANSWER:

3. Does the CITY have any policy, manuals, practices, or procedures to delay access to public records to any person or group of persons? As part of your response, if you answer in the affirmative what person or group of persons is such a policy, practice, or procedure used against? As part of your answer, please identify all witnesses with knowledge and/or documentation supporting your response.

ANSWER:

VERIFICATION

Print name:

STATE OF FLORIDA)
) ss.:
COUNTY OF _____)

BEFORE ME, the undersigned authority, personally appeared _____
And who is [personally known to me] or [who has provided _____
as identification], deposes and says that the facts set forth in the forgoing are true and correct.

WITNESSES my hand and seal on this ____ day of _____, 2019.

Notary Public State of Florida

Notary Printed name

My Commission Expires: